

[Doc. No. 10]

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

BRIAN COOPER,

Plaintiff,

V.

**PAULSBORO POLICE
DEPARTMENT, et al.**

Defendants.

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Civil No. 08-183 (JBS)

ORDER

This matter is before the Court on the “Motion to Conduct the Deposition of the Plaintiff at the Riverfront State Prison” [Doc. No. 10], filed by Todd J. Gelfand, Esquire on behalf of Defendants, Paulsboro Police Department, Sergeant Vernon Marino, Lieutenant Chris Wachter and Chief Kenneth L. Ridinger. Defendant seeks leave of Court to depose *pro se* Plaintiff, Brian Cooper, at the Riverfront State Prison, in Camden, New Jersey. Defendants also seek leave to videotape the deposition and request permission allowing Defendants to be present in person at the deposition. Plaintiff did not oppose Defendants’ motion.

Generally, depositions of parties may be taken without leave of court. Fed. R. Civ. P. 30(a)(1). However, a party must obtain leave of court if the deponent is in prison. Fed. R. Civ. P. 30(a)(2)(B). In the present case, Defendants are entitled to take Plaintiff's deposition. Plaintiff's testimony is relevant and necessary to Defendants' defense in this case. Defendants' request to videotape Plaintiff's deposition and Defendants' request to be present in person at Plaintiff's deposition should be addressed with the Superintendent of the Riverfront State Prison

before bringing the matter before this Court. If the Superintendent does not consent to allowing the videotaping of the deposition or allowing Defendants to be present for the deposition, Defendants may file an application with this Court for appropriate relief. If, however, the Superintendent does allow Defendants to be present for the deposition, Defendants must appear at the deposition in civilian clothes. Accordingly, for good cause shown,

IT IS on this 8th day of October 2008 hereby

ORDERED that Defendants' Motion to Conduct the Deposition of the Plaintiff at the Riverfront State Prison is GRANTED in part and DENIED in part; and it is further

ORDERED that the deposition of Plaintiff, Brian Cooper, shall take place at a date and time convenient to the parties and the Superintendent of the Riverfront State Prison, and at a location designated by the Superintendent. The deposition shall be taken in compliance with the deadlines in the Court's applicable Scheduling Order; and it is further

ORDERED that Plaintiff shall be notified of the date and time of the scheduled deposition as soon as is reasonably possible; and it is further

ORDERED that Defendants' request to videotape Plaintiff's deposition and to allow Defendants to be present during the deposition is DENIED without prejudice. Defendants shall address these requests with the Superintendent of Riverfront State Prison and, if the Superintendent does not consent, Defendants may file an application with this Court for appropriate relief.

/s/ Joel Schneider

JOEL SCHNEIDER

United States Magistrate Judge